

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF ALABAMA
NORTHEASTERN DIVISION

JOHN C. KELLER,
Plaintiff,

vs.

MR. RICK MARTIN, et.al.,
Defendants.

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CV 01-B-228-NE

FILED
MAY 14 PM 2:35
U.S. DISTRICT COURT
N.D. OF ALABAMA

ENTERED

MAY 14 2001

MEMORANDUM OF OPINION

The magistrate judge filed a report and recommendation on March 30, 2001, recommending that the plaintiff's claims in this action filed pursuant to 42 U.S.C. § 1983 against Sheriff Joe Whisante be dismissed for failing to state a claim upon which relief can be granted under 28 U.S.C. § 1915A(b). No objections have been filed.

Having carefully reviewed and considered *de novo* all the materials in the court file, including the report and recommendation, the Court is of the opinion that the magistrate judge's report is due to be and is hereby ADOPTED and the recommendation is ACCEPTED. Accordingly, the claims against Sheriff Whisante are due to be dismissed for failing to state a claim upon which relief can be granted to 28 U.S.C. § 1915A(b). An appropriate order will be entered.

DATED this 14th day of May, 2001.

Sharon Lovelace Blackburn

SHARON LOVELACE BLACKBURN
UNITED STATES DISTRICT JUDGE